



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**VIA UPS**

**DEC 03 2015**

Ms Carrie LaDuke  
Gulfstream TLC, Inc  
1080 Military Turnpike I  
Unit #410  
Plattsburgh, New York 12901

**Re Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U S C § 6927(a), Regarding the Export of Hazardous Waste by Gulfstream TLC, Inc EPA ID No NYR000156539**

**Information Request – Reference No C16-002**

Dear Ms LaDuke,

The U S Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the Information Request Letter ("IRL") response submitted by Air Products and Chemicals, Inc ("APCI") regarding the export of hazardous waste from APCI's facility located at 257 Marian Avenue Tamaqua, PA (the "APCI Facility"). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U S C § 6927(a), which provides in relevant part that "any person who generate, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator furnish information relating to such wastes." EPA hereby requires that you furnish to EPA within fifteen (15) business days of receipt of this letter the information requested below including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.



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Please provide a separate narrative response to each question. Precede each answer with the number of the question or letter of the subpart of the question to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents relating to the matters described below. For each copy of a document produced in response to this request, indicate on such copy or in some other reasonable manner, the number of the request to which it responds, the current location and custodian of the original, the date such original was prepared, the person(s) who prepared the original and the date the document became effective at the Facility.

As used herein, the term "document" means writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-266 and 268 shall have the meanings set forth therein.

#### Requested Information

1. The IRL response provided to the EPA by APCI on September 25, 2015, stated that Gulfstream TLC, Inc. ("Gulfstream") located at 1080 Military Turnpike, Plattsburgh, New York ("Gulfstream Facility") was the primary exporter for the following shipments that were exported to Stablax Canada, Inc. ("Stablax") located in Blainville, Canada:
  - 3,566 pounds of UN2923 waste corrosive solids on January 26, 2012 documented on manifest #008439744JJJ
  - 2,503 pounds of UN2923, waste corrosive solids on March 1, 2012 documented on manifest #008441588JJJ
  - 8,340 pounds of UN2923 waste corrosive solids on December 6, 2013 documented on manifest #011812903JJJ
  - 84 pounds of UN3262, waste corrosive solids on December 6, 2013 documented on manifest #011812903JJJ
  - 160 pounds of UN3288 waste toxic solids inorganic on December 6, 2013 documented on manifest #008439589JJJ

Regarding these waste exports to Stablax, please respond to the question below.



A Was Gulfstream the primary exporter , as defined in 40 C F R §262.51, of the waste streams listed above?

- 1 If the answer to Question 1 A above is "yes", please provide the following information
  - a Describe in detail the role of Gulfstream in acting as primary exporter for APCI in the shipments to Stablex listed above, and provide any documentation (contracts agreements invoices, etc ) regarding the nature of the relationship between Gulfstream and APCI
  - b Provide any hazardous waste manifests, bills of lading and/or invoices relating to waste exports made while acting as primary exporter for APCI for the waste streams listed above
  - c Provide a copy(ies)the notification(s) of intent to export, as required under 40 CFR § 262.53(b), for the waste streams listed in the export shipments above
  - d Provide a copy(ies) of the Acknowledgement of Consent the Gulfstream Facility received from EPA to allow the export of the waste streams listed above in the export shipments
  - e If Gulfstream filed an annual export report(s) in accordance with 40 C F R § 262.56 for the shipments of wastes exported to Stablex above please provide copies of such annual export report(s) and any and all attachments included with such reports
- 11 If the answer to Question 1 A above is "no", please provide the following information
  - a State the name of the entity(ies) that was the primary exporter for the shipments to Stablex listed above and provide contact information (contact name, address, and phone number) for such entities

The provisions of Section 3008 of RCRA, 42 U S C § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U S C § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C F R § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C F R Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

With regard to the Small Business Regulatory Enforcement and Fairness Act ( SBREFA ), please see the ' Information for Small Businesses' memo, enclosed as Attachment F which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U S C §§ 3501-3520

Your response must include the following signed and dated certification

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Please send, or otherwise ensure delivery of the requested information to

Rebecca Serfass  
US EPA Region III  
1650 Arch Street  
Mail Code 3LC70  
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Ms. Rebecca Serfass at (215) 814-2047

Sincerely,



Carol Amend, Associate Director  
Land and Chemicals Division  
Office of Land Enforcement

Enclosures

cc R Serfass (3LC70) w/o  
A Ma (3LC70) w/o